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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,261	01/04/2002	Robert W. Hallman	AME34 P-300	9343

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/08/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/039,261

Applicant(s)

HALLMAN, ROBERT W.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 3 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For example, claims 3 and 13 require telephone dialer operates a cellular telephone network. The Examiner is unable to determine from the specification how this is done. Are there antenna(s) used or is the telephony line (see 64 figure 5) simply owned by wireless carrier?

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Applicant's submitted an information disclosure statement under 37 CFR 1.97(b) dated 1/4/02 thereby bringing to the attention of the Examiner the document listed (Gemini Systems "Customer Service Hotline," July 1996) which referenced a "Patent pending" (see bottom left of second page). Therefore, the Examiner is requesting

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Applicant's for any additional information relating to the "Patent pending" cited on form PTO-1449, dated 1/4/02.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 6-10, 12, 14 and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gemini Systems "Customer Service Hotline", dated July 1996 (hereinafter Gemini) found on Applicant's submitted PTO-1449.

Regarding claims 1, 4, 6-10, 12, 14 and 16-21. Gemini teaches a self-contained communication and vending refund center (see left side of page 1) having a telephone dialer (see "PUSH TO TALK" Hotline function button located on front of the cabinet appearing on the left side of page 1) which automatically dials remote location (i.e. owner of vending machines) so that coin magazine (see "Features" page 1) may be remotely activated by the vending machine owner to thereby refund "on the spot" up to a capacity of \$35.00 in denominations of quarters and nickels (see page 1). Gemini

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also discloses using six-digit security code (see "Features" page 1) which Applicant's also use (see Applicant's specification paragraph 0032 wherein password required before only nickels or quarters allowed for refund). Gemini further discloses self-contained power requirements are 12VDC for relay control and 24VDC for coin solenoids (see top of page 2) provided by Gemini.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemini Systems "Customer Service Hotline", dated July 1996 (hereinafter Gemini) found on Applicant's submitted PTO-1449 in view of Sagady et al (6,052,453 hereinafter Sagady).

Claims 2 and 11 do not contain any additional features, which, in combination with the features of claims 1, 10 would lead to a novel subject matter. The Examiner notes that sending alarm to remote vendor indicating an alarm as recited in claims 2 and 11 is extremely well known in the art.

Sagady teaches alarm system (see LED, an audible tone driver, an audible alarm or a combination of such indicators used in column 3), as well as, sending signal to remote vender location by using modulator (see DTMF transceiver used to transmit and receive DTMF signals columns 6-7) when cashbox alarm tripped.

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Gemini to include local alarm as taught by Sagady for the benefit of issuing an audible or verbal warning to vandals trying to take money from nearby vending machine.

Regarding claim 15. Gemini does not explicitly show using handset. However, substituting handset for the "PUSH TO TALK" button as taught by Gemini would have been an obvious measure to one of ordinary skill in the art at the time of the invention.

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to substitute handset for the PUSH TO TALK feature as taught by Gemini for the benefit of using handset instead of a push to talk feature.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gemini Systems "Customer Service Hotline", dated July 1996 (hereinafter Gemini) found on Applicant's submitted PTO-1449 in view of Petite (6,430,268).

Claim 3 does contain any additional features, which, in combination with the features of claims 1 would lead to a novel subject matter. The Examiner notes using cellular network for dialing telephony vender as recited in claims 3 is extremely well known in the art.

Petite teaches system for requesting service of vending machine via wireless link (see wireless link figure 1). Petite even discloses automatically dialing remote site when alarm conditions occur (see "out of order" column 2 or specific vending machine "m" is out of product "X" column 7).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Gemini to use wireless technology as taught by Petite for the benefit of notifying remote vender that machine is "out of order" or needs more product "X".

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gemini Systems "Customer Service Hotline", dated July 1996 (hereinafter Gemini) found on Applicant's submitted PTO-1449.

Regarding claim 5. Gemini does not explicitly show using handset. However, substituting handset for the "PUSH TO TALK" button as taught by Gemini would have been an obvious measure to one of ordinary skill in the art at the time of the invention.

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to substitute handset for the PUSH TO TALK feature as taught by Gemini for the benefit of using handset instead of a push to talk feature.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gemini Systems "Customer Service Hotline", dated July 1996 (hereinafter Gemini) found on Applicant's submitted PTO-1449 in view of Sagady et al (6,052,453 hereinafter Sagady) further in view of Petite (6,430,268).

Claim 13 does contain any additional features, which, in combination with the features of claims 11 and 10 would lead to a novel subject matter. The Examiner notes

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using cellular network for dialing telephony vender as recited in claim 13 is extremely well known in the art.

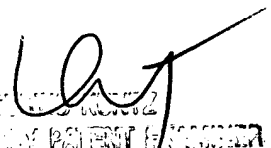
Petite teaches system for requesting service of vending machine via wireless link (see wireless link figure 1). Petite even discloses automatically dialing remote site when alarm conditions occur (see "out of order" column 2 or specific vending machine "m" is out of product "X" column 7).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Gemini in view of Sagady to use wireless technology as taught by Petite for the benefit of notifying remote vender that machine is "out of order" or needs more product "X".

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
CURTIS KUNTZ  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 2600